

REMARKS

Introductory Comments

Reconsideration of the above-identified application in view of the foregoing arguments is respectfully requested.

Claims 22, 23 and 31-54 are pending. Claims 23 and 31-54 are allowed. Claim 22 is rejected. Claim 22 has been amended. No new matter has been added as a result of these amendments.

Rejection of Claim 22 Under 35 U.S.C. 112, First Paragraph

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as lacking written description. Specifically, Examiner asserted that since "the claim recites the phrase 'is selected from the group consisting of', it is not clear to one of ordinary skill in the art at the time of filing if the applicant was indeed in possession of the claimed invention, because the polynucleotides encompassed are not described. Although it is clear that the group consists of SEQ ID NOS: 1, 4, 5, 8, and 10, applicant has not conveyed to one of ordinary skill in the art that the applicant was in possession of polynucleotides which read on any sequence found within SEQ ID NOS:1, 4, 5, 8 or 10 (because of the open interpretation of the word 'is'). As such applicant has not provided written description of the polynucleotide sequences found within or beyond those SEQ ID numbers. Examiner suggests that the applicant amend the claims to recite 'the purified polynucleotide consisting of a nucleic acid sequence selected from the group consisting of.'

Applicants have amended claim 22 in the manner suggested by Examiner, with the exception that the word "consists" is added instead of "consisting" for grammatical consistency.

Applicants thank the Examiner for his suggestion for amendment to the claim in order to overcome the 35 U.S.C. 112, first paragraph rejection.

CONCLUSION

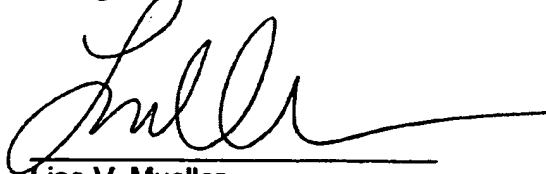
In view of the aforementioned amendment and remarks, Applicants respectfully submits that the above-referenced application is now in condition for allowance and Applicants respectfully requests the Examiner to withdraw all outstanding objections and rejections and passes the application to allowance.

Should the Examiner have any questions concerning the above, he is respectfully requested to contact the undersigned at the telephone number listed below. If the Examiner notes any further matters which the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,

Billing-Medel et al.

A handwritten signature in black ink, appearing to read 'Lisa V. Mueller', with a long horizontal line extending to the right.

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